No. 80-1576

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

PRINCETON UNIVERSITY and STATE OF NEW JERSEY,
Appellants,

v.

CHRIS SCHMID,
Appellee.

APPEAL FROM THE SUPREME COURT OF NEW JERSEY

JOINT APPENDIX

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APPEAL DOCKETED MARCH 17, 1981
JURISDICTION POSTPONED MAY 18, 1981

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CHRONOLOGICAL LISTING OF RELEVANT DOCKET ENTRIES

In the Municipal Court of the Borough of Princeton—Docket No. C138

Stipulations of Fact and Supplemental Stipulations of Fact	(set forth in Opinion)
Opinion of Judge Carchman	October 30, 1978

In the Superior Court of New Jersey, Law Division—Criminal, Mercer County—Docket No. C138, Appeal No. 30-78

Stenographic Transcript of Trial *De Novo*	February 15, 1979
Order Adjudging Defendant Guilty of Violating N.J.S.A. 2A:170-31	February 20, 1979
Notice of Appeal	March 12, 1979

In the Superior Court of New Jersey, Appellate Division—Docket No. A-2264-78

(bypassed)

In the Supreme Court of New Jersey—Docket No. 16,458, Appeal No. A-100-79

Order Directly Certifying Appeal	September 20, 1979
Notice of Motion of AICUNJ for Leave to Appear as Amicus	November 27, 1979
Order Granting Motion	January 28, 1980
Oral Argument	February 4, 1980
Opinion	November 25, 1980
Petition for Rehearing	December 5, 1980
Order Denying Petition for Rehearing	December 18, 1980
Notice of Appeal	March 10, 1981

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION—CRIMINAL
MERCER COUNTY
Docket No. C138
Appeal No. 30-78

STATE OF NEW JERSEY,

Plaintiff,

vs.

STENOGRAPHIC TRANSCRIPT OF MOTION

CHRIS A. SCHMID

Defendant.

* * * * *

Date: February 15, 1979
Before: Honorable George Y. Schoch, A.J.S.C.

* * * * *

[p.26] THE COURT: I am frank to admit I don't see where there is anything here for me to decide because Judge Carchman has written an opinion that I consider to cover [p.27] the situation completely. To argue that Princeton University comes within the rule of *Marsh vs. Alabama* seems to me to be straining.

In -- I am quoting now from *Hudgins* at page 516 to 424 U.S.: "The question is under what circumstances can private property be treated as though it were public. The answer that *Marsh* gives is when that property has taken on all the attributes of a town, i.e., residential buildings, streets, system of sewers, sewage disposal plant, business block." And we don't have that situation here with Princeton.

The policy of the University may be suspect when they suggest that they want to expose the student body to all phases of education and then keep certain people out, but that is a policy consideration it seems to me and not a Constitutional question.

As I said, I frankly don't see how I can improve on the opinion written by Judge Carchman and I adopt it with these additional comments which in fact may be [p.28] only repetition. I think that is part of the opinion that he has given. I can see the dichotomy between Princeton keeping out persons that they feel are espousing unpopular causes and the theory behind university education, but, as I say, that to me does not reach the level of a Constitutional question, that is really something—that is really something that the student body may have to attack, if they wish their exposure to all types of political parties to take place within the confines of the campus.

So, consequently, I adopt the opinion of Judge Carchman and find the defendant guilty. I impose a fine of $15 and $10 costs.

* * * * *

[certificate omitted in printing]

SUPREME COURT OF NEW JERSEY

[letterhead omitted in printing]

September 20, 1979

Thomas Wright, Jr., Esq.
University Counsel
Nassau Hall
Princeton, N. J. 08540

RE: *State v. Chris Schmid*
Docket # 16,458

Dear Mr. Wright:

As you can see from the attached order, the Supreme Court has directly certified the above appeal. The matter involves a challenge by the defendant to his arrest for trespass while distributing Labor Party materials while on Princeton University property. The Court is hereby inviting Princeton University to intervene in this appeal.

Should you wish to accept the Court's invitation, the University must file 9 copies of a brief within 30 days of the receipt of this letter. You will be subsequently notified as to an argument date.

Very truly yours,

[signature omitted in printing]

STEPHEN W. TOWNSEND
Clerk

ENCLS.
SWT/kab

cc: Attorney General
American Civil Liberties Union

SUPREME COURT OF THE UNITED STATES

No. 80-1576

PRINCETON UNIVERSITY and NEW JERSEY,
Appellants,

v.

CHRIS SCHMID

APPEAL from the Supreme Court of New Jersey.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

May 18, 1981

JUSTICE BRENNAN took no part in the consideration or decision of this case.